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2 of the State of California

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13 Legal Representatives for Complainant

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15 **BEFORE THE**
16 **RESPIRATORY CARE BOARD**
17 **DEPARTMENT OF CONSUMER AFFAIRS**
18 **STATE OF CALIFORNIA**
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1 In the Matter of the Accusation Against:

RCB Case No. R-2052

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3 HERMAN W. NAVARRETE

4 705 Revenna Way

5 Brentwood CA 94513

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7 RCP License No. 7805

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9 Respondent.

**STIPULATED SETTLEMENT FOR
PUBLIC REPRIMAND AND
DISCIPLINARY ORDER**

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13 In the interest of a prompt and speedy settlement of this matter, consistent with the
14 public interest and the responsibility of the Respiratory Care Board, Department of Consumer
15 Affairs, State of California ("Board"), the parties hereby agree to the following Stipulated
16 Settlement For Public Reprimand and Disciplinary Order which will be submitted to the Board
17 for approval and adoption as the final disposition of the Accusation in Case No. R-2052.

18 PARTIES

19 1. At the time of the filing of the Accusation in Case No. R-2052,
20 complainant Stephanie Nunez was the Executive Officer of the Board and brought this action
21 solely in her official capacity. Complainant is represented in this matter by Edmund G. Brown
22 Jr., Attorney General of the State of California, Supervising Deputy Attorney General Jose R.
23 Guerrero, and by Catherine Santillan, Senior Legal Analyst.

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25 2. Respondent Herman W. Navarrete, ("respondent"), is aware of his right to
26 be represented by an attorney in this matter, but has elected to represent himself.

27 3. At all times relevant herein, respondent has been licensed by the Board
28 under Respiratory Care Practitioner License No. 7805.

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1 Order below.

2 CONTINGENCY

3 11. This Stipulation shall be subject to the approval of the Board. Respondent
4 understands and agrees that Board staff and counsel for complainant may communicate directly
5 with the Board regarding this Stipulation, without notice to or participation by respondent or his
6 representative. If the Board fails to adopt this Stipulation as its Disciplinary Order, the
7 Stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the
8 parties, and the Board shall not be disqualified from further action in this matter by virtue of its
9 consideration of this Stipulation.

10 12. In consideration of the foregoing admissions and stipulations, the parties
11 agree that the Board shall, without further notice or formal proceeding, issue and enter the
12 following Disciplinary Order:

13 DISCIPLINARY ORDER

14 IT IS HEREBY ORDERED that Herman W. Navarrete, Respiratory Care
15 Practitioner License No. 7805, is hereby publicly reprimanded by the Respiratory Care Board.
16 This Stipulated Settlement For Public Reprimand and Disciplinary Order shall constitute the
17 formal public reprimand; in addition, as part of this Stipulation, respondent agrees as follows:

18 A. No further violation of the law will occur; and

19 B. Respondent is hereby ordered to reimburse the Board the amount
20 of \$1,363.00 for its investigative and prosecution costs. The amount shall be paid in full within
21 eighteen (18) months of the effective date of this Disciplinary Order, unless the Board agrees in
22 writing to payment by a different installment plan because of financial hardship. The filing of
23 bankruptcy by the respondent shall not relieve the respondent of the responsibility to reimburse
24 the Board for its investigative and prosecution costs.

25 C. Failure to timely reimburse the Board for its investigative and
26 prosecution costs in the amount set forth above shall constitute unprofessional conduct pursuant
27 to Business and Professions Code section 3755 for purposes of further disciplinary proceedings.
28 In addition, the Board may withhold renewal of respondent's Respiratory Care Practitioner

1 License No. 7805.

2 ACCEPTANCE

3 I have read the above Stipulated Settlement For Public Reprimand and
4 Disciplinary Order. I fully understand the terms and conditions and other matters contained
5 therein. I understand the effect this Stipulation will have on my Respiratory Care Practitioner
6 License No. 7805, and agree to be bound thereby. I enter this Stipulation freely, voluntarily,
7 knowingly, intelligently and voluntarily.

8 DATED: February 19, 2007

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10 Original signed by:
11 Herman W. Navarrete
Respondent

12 ENDORSEMENT

13 The foregoing Stipulated Settlement For Public Reprimand and Disciplinary
14 Order is hereby respectfully submitted for consideration by the Respiratory Care Board,
15 Department of Consumer Affairs, State of California.

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17 DATED: February 28, 2007

18 EDMUND G. BROWN JR., Attorney General
19 of the State of California

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21 Original signed by:
22 CATHERINE E. SANTILLAN
Senior Legal Analyst

23 Legal Representative for Complainant
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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

RCB Case No. 2052

HERMAN W. NAVARRETE
705 Revenna Way
Brentwood CA 95413

RCP License No.7805

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement For Public Reprimand and Disciplinary
Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its
Decision in the above entitled matter.

This Decision shall be effective on April 20, 2007.

It is so ORDERED April 10, 2007.

Original signed by:

LARRY L. RENNER, BS. RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA